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**2022 Joint Legislative Hearing
On Environmental Conservation
February 1, 2022**

Good morning/Afternoon/Evening Madame Chairwomen and respected members of the panel.

My name is Matt Krug. I am the Director of the Environmental Conservation Officers and serve on the Board of Directors of the PBANYS, a law enforcement union representing the State Park Police, State University Police and the Environmental Conservation Officers and Forest Rangers of the Department of Environmental Conservation. My testimony this evening will focus on the current needs of the 270 New York State Environmental Conservation Officers (“ECO” or “EnCon Officer”).

Before I begin with my testimony, I would like to thank all of the legislators who have supported the members of our PBA over the past several years, particularly as it relates to securing a 20-year retirement that would provide parity as well as serve as an invaluable tool for recruitment, retention and promoting diversity within our agencies so that we truly reflect the multicultural communities that define our great state. We also wish to express our deepest appreciation to Governor Kathy Hochul who has done so much and continues to foster a spirit of civility and cooperation that has long been absent from the Capitol. Together I know we will do great things for the people of New York state.

The requirements, training and job duties of Environmental Conservation officers and Investigators are significant. We are required to have a four-year degree or a two-year degree along with two years fulltime police or active-duty military service to be eligible for the civil service test. The selection process includes a stringent physical assessment that includes running, pushups, and sit-ups, as well as a background check, medical, psychological, polygraph and oral boards. By the end of this process, we lose 90% of candidates. Those selected go to a seven-month academy where they reside Sunday night through Friday evening. The academy is strenuous, and upon graduation, Officers are

certified municipal police officers that have also received hundreds of additional hours of training in the Environmental Conservation Law, boat operations, and more.

What we today call NYS Environmental Conservation Officers began as Game Protectors in 1880, and in 1970 formally adopted the title of Environmental Conservation Officer. We are the thin green line protecting people and the environment 24 hours a day, 365 days a year throughout the state. We do not work set hours, and we do not routinely report to an office. We often self-dispatch alone in the middle of the night to respond to a wide range of complaints including deer jackings and illegal dumping and more.

I have personally rescued citizens from flooded houses during Hurricane Sandy, hunted escaped murderers in Dannemora, chased off nuisance bears, been exposed to numerous toxic chemicals and provided lifesaving medical treatment to victims.

EnCon Officers have been on the front lines during the state's COVID response in a variety of different capacities. While our civilian staff by and large has been working from home, we have been the only ones in the field responding to environmental complaints. Our members work on snowmobiles, ATVs and boats in the New York Harbor and Long Island Sound, often fifty miles from shore. We staffed COVID testing sites, frequently spending weeks and months away from home to protect both the public and our families from exposure to the deadly virus.

Our members respond to a variety of complaints statewide including poaching and exceeding limits on harvesting fish, checking commercial fishing boats miles offshore in rough seas, rescuing sick and distressed wildlife, enforcing environmental justice such as idling engines and air pollution in urban areas like the Bronx, and responding to open burning complaints, use of illegal pesticides, destruction of wetlands and chemicals running into state waters. Our officers also backup local police agencies on a variety of calls and details including domestic incidents, assisting with concerts and searches for missing individuals. Collectively, these examples demonstrate that the job responsibilities of EnCon Officers have expanded tremendously over the past several decades.

Unfortunately, our staffing levels have remained the same or lessened since the 1970s. Currently our staffing charts have positions for 338 members with 68 vacancies. Every time that a new environmental or public health law was passed during the last 50 years our duties expanded. However, our staffing and budgeted revenue has remained stagnant. Over that same time period the State Troopers increased their staffing levels by

over 40%. Currently we have forty individuals who have passed all of our requirements and could potentially enter our academy in April. However, Commissioner Seggos has only approved for twenty of our vacancies to be filled. This decision by Commissioner Seggos will directly affect the marine fisheries in downstate due to reduced patrols, and also effect the clean air for those living environmental justice areas of New York City.

We need additional staffing items to combat climate change. When I worked as an ECO from 2008-2010 in DEC Region 2, which encompasses New York City, we had 32 officers and investigators. Currently we have 13. We estimate that our current staffing levels should be in the 60's to allow ECO's to properly patrol for idling diesels, smoking trucks, illegal autobody shops, endangered species trade, commercial fisheries and other homeland security functions.

To combat large scale pollution, we need to increase our investigator items. We currently have 25 investigators that are responsible for long-term, high-level investigations like "Operation Pay-Dirt" which started in 2014 on Long Island with contractors dumping contaminated/hazardous materials on children's sports fields in Brentwood and using it as fill at homes for our wounded vets.¹ The waste was generated in NYC and deposited for cheap. Our officers and Investigators worked tirelessly to bring those responsible to justice which culminated in multiple arrests.

EnCon Officers are significantly behind State Troopers in terms of compensation and benefits. The last time our civil service test was offered only 1169 individuals passed the test, while currently State police has over 18,000 individuals signed up for their new test. Why are there fifteen times the candidates for State Police then Encon? The Answer is simple, State Troopers make more money, have a twenty-year retirement, and have lower educational requirements. If you were 20 years old and could make more money, retire sooner and have less college loan debt, which would you choose?

New York State must reduce the pension and pay disparity to attract more candidates, especially downstate. This begins with our 20-year pension bill. The PBANYS was disappointed that our 20-year retirement legislation was vetoed in December of 2021, but we understand that these matters are typically handled within the State Budget process. We are heartened by Governor Hochul's support for efforts to improve recruitment and retention by focusing on compensation. With the legislature's support and leadership, and

¹See [Cleanup Finally Begins In Suffolk County 'Operation: Pay Dirt' Illegal Dumping Case – CBS New York \(cbslocal.com\)](https://www.cbslocal.com/news/clean-up-finally-begins-in-suffolk-county-operation-pay-dirt-illegal-dumping-case/)

Governor Hochul's willingness to address 20-year retirement parity within the state budget, our members are both hopeful and confident that 2022 will be the year that this crucial legislation will be enacted.

We also need to increase our geographic pay to the same levels as State Troopers. Our hazardous duty pay also trails behind State police at less than four thousand dollars compared to State troopers who receive over nine thousand dollars. This is in spite of our officers routinely facing a greater variety of threats than any other New York State law enforcement agency. We have had officers struck by cars, ATVs and gunfire. Other officers have fallen through the ice and been injured affecting arrests. Sadly, we too have had officers succumb to 9/11 related diseases including Officer Steve Raymond. I also ask for your support for Senate Bill S-6058 so that Officer Raymond's widow may file for 9/11 benefits. We are truly thankful this bill was reported out of the Senate Civil Service Committee last week.

I also stress that 20-year retirement and geographic pay parity will bring other benefits to the State such as a more diverse police force and will help attract more downstate ECO candidates. We need to fill our academy classes over the next five years to increase our ranks by at least 140 items. Adding additional personnel continues to be our number one priority. To this end, Encon Officers will also seek legislation that will allow certified police officers to lateral over to our agency and keep their existing time up front. I hope you will all support this legislation and consider co-sponsoring it.

We need to enforce the laws we already have before we enact new laws and regulations, and we need additional funding to streamline our operations through advancements in technology.

Assemblyman Cahill has introduced legislation to increase the returnable container deposit from five cents to ten cents and will expand the containers covered under the deposit law to include iced tea among others. These funds will increase recycling and help with cleaning our lands and waters with all unclaimed funds being directed to the Conservation Fund. These additional funds will help cover the cost of hiring and training new ECO's and provide necessary equipment.

EnCon Officers also need significant investment in equipment and technology. Currently, ECO's need \$1.5 million dollars to purchase a Report Management system that will allow us to go almost paperless. This system will allow ECO's to attach witness

statements, photographs, body cam footage and all documents to a report that can be easily uploaded to defense attorneys, courts and prosecutors. This will also reduce the time and fossil fuels used to travel between our office and court. The technology for this reporting system is tried and tested by numerous other law enforcement and conservation police around the country and the investment will pay for itself within the first year in labor costs alone.

In 2020, we received a federal grant for \$565,000 and an additional \$188,000 from the state to purchase an offshore capable boat. The grant, which was needed to replace our no longer operational 1987 twin screw offshore vessel, was never utilized by DEC. The loss of this grant cut our current offshore capabilities in half. Governor Hochul is looking to invest \$500 million dollars in off-shore wind turbines to help fight the effects of climate change – a mission we fully support. However, the state does not have the ability to patrol offshore to monitor the construction of these turbines because the grant was never utilized, and the vessel was not procured. In addition to monitoring the construction, we will also need an offshore vessel to monitor bird mortality on these turbines to protect our migratory bird species that are most at risk from this green energy.

This same vessel could be used to check commercial fisherman offshore, provide a platform for divers to recover evidence and serve as an emergency response vessel. We are not asking for a battleship, but a 40-to-46-foot vessel that can safely patrol in rougher seas. Our current vessels are utilized to protect marine mammals like humpback whales, assist stranded vessels, conduct homeland security details and in general keep New Yorkers safe. This past fall our vessels and officers were used to protect the President in NY Harbor during the UN summit. We maximize the utility of the equipment we have but we simply do not have the resources needed for an expanded mission.

Besides the offshore vessel, we need to purchase three fourteen-foot zodiac boats to support our thirty-member Flood Incident Strike team. Currently we rely on State Fire for equipment when floods overwhelm communities as we saw in NYC and Westchester this past August. Our highly trained and specialized officers were on-site extracting New Yorkers from flooded basements and from rooftops. To ensure that we are able to respond at a moment's notice our daring boat drivers need their own vessels to train in and deploy with as needed. Besides flooding emergencies, those smaller vessels can be used to assist stranded marine mammals and sea turtles in shallow waters. The total cost for those three vessels to be outfitted is approximately forty-five thousand dollars.

I look forward to meeting and working with you and your legislative colleagues, as well as representatives from the Hochul Administration, in the days ahead as we identify ways to protect our environment for future generations of New Yorkers. With your continued support we will remain, at the vanguard of innovative, compassionate and equitable policing in service to the people and natural resources of New York state. I appreciate this opportunity to share with you all a glimpse of our purpose, mission and vision. On behalf of my fellow EnCon officers, thank you again for your leadership and responsiveness to the needs of community policing agencies that comprise PBANYS.

Thank you.